

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

The Minutes

June 21, 2004

At 9:33 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Raye, Associate Justice; and Rios, bailiff.

C043383 OPONG-MENSAH v. STRACENER et al.

Cause called. Kofi Opong-Mensah argued In Pro Per as appellant. Warren C. Stracener argued In Pro Per as respondent. Steven Bassoff appeared only as respondent. Cause submitted.

At 10:05 a.m., the court recessed. At 10:08 a.m., the court reconvened with Scotland, Presiding Justice; Robie, Associate Justice; and Butz, Associate Justice.

**C042505 DUARTE et al. v. BOGGS STEEL FABRICATION, INC., et al.
C043375**

Cause called. Tony J. Tanke argued for appellants. Edward E. Hartley argued for respondent Boggs Steel Fabrication, Inc. Gina McCoy argued for respondent N.J. McCutchen, Inc. Cause submitted.

At 10:41 a.m., the court recessed. At 10:45 a.m., the court reconvened with Blease, Associate Justice; Raye, Associate Justice; and Morrison, Associate Justice.

C045001 BANKS v. WILLIAMS, III

Cause called. George J. Williams, III, argued In Pro Per as appellant. Gerald F. Mohun, Jr. argued for respondent. Cause submitted.

At 10:56 a.m., the court recessed. At 10:57 a.m. the court reconvened with Blease, Associate Justice; Morrison, Associate Justice; and Butz, Associate Justice.

C045271 BERRY v. BERRY

Cause called. Kim Andrew Berry argued In Pro Per as appellant. Philip A. McCaleb argued for respondent. Cause submitted.

At 11:05 a.m., the court recessed. At 2:01 p.m., the court reconvened with Scotland, Presiding Justice; Raye, Associate Justice; and Morrison, Associate Justice.

C043427 JOHNSON v. LEWIS et al.

Cause called. Roger M. Miller argued for appellant. Cause submitted.

2

Cause called. Linda Conrad, court appointed counsel, argued for appellant. James Yeo, county counsel, argued for respondent. Cause submitted.

3

We concur: Blease, Acting P.J.
 Davis, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

The Minutes

June 22, 2004, continued

- C043114 THE PEOPLE v. SINGH (Certified for Partial Publication)**
Defendant's conviction on count three, for violation of Health and Safety Code section 11377, subdivision (a), is reversed. The judgment is otherwise affirmed. The trial court shall prepare an amended abstract of judgment reflecting this disposition and shall forward a certified copy to the Department of Corrections. (Certified for Partial Publication)
BUTZ, J.
We concur: Davis, Acting P.J.
Hull, J.
- C045116 THE PEOPLE v. AMMONS (Not for Publication)**
Defendant's conviction for violating Vehicle Code section 10851, subdivision (a) is reversed. In all other respects, the judgment is affirmed.
RAYE, J.
We concur: Blease, Acting P.J.
Davis, J.
- C045242 THE PEOPLE v. ABACA (Not for Publication)**
The judgment is affirmed.
NICHOLSON, J.
We concur: Blease, Acting P.J.
Raye, J.
- C043654 JOHNSON v. GARDINO'S ASSOCIATED, INC. et al. (Not for Publication)**
The March 24, 2003, order is reversed. Each party shall bear its own costs on appeal. (Cal. Rules of Court, rule 27(a) (4).)
SIMS, J.
We concur: Scotland, P.J.
Davis, J.
- C044940 In re MARISSA P. et al.; BUTTE COUNTY CHILDREN'S SERVICES DIVISION v. BOBBIE B. (Not for Publication)**
The orders are affirmed.
NICHOLSON, J.
We concur: Sims, Acting P.J.
Morrison, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

The Minutes

June 22, 2004, continued

C040094 THE PEOPLE v. STEWART (Certified for Partial Publication)

THE COURT:

It is ordered that the opinion filed herein on June 3, 2004, be modified...

... There is no change in the judgment.

FOR THE COURT:

SCOTLAND, P.J.

DAVIS, J.

HULL, J.

June 23, 2004

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Blease, Associate Justice; Raye, Associate Justice; Morrison, Associate Justice; and Guzman, bailiff.

**C043636 CALIFORNIA FISH AND GAMES WARDEN SUPERVISORS AND MANAGERS
ASSOCIATION et al. v. DEPARTMENT OF PERSONNEL ADMINISTRATION**

Cause called. Christopher W. Miller argued for appellants. Warren C. Stracener argued for respondent. Cause submitted.

At 9:59 a.m., the court recessed. At 10:03 a.m., the court reconvened with Blease, Associate Justice; Morrison, Associate Justice; and Butz, Associate Justice.

C041880 THE PEOPLE v. DALBY

Cause called. Mark Greenberg, court appointed counsel, argued for appellant. Julie A. Hokans, Deputy Attorney General, argued for respondent. Cause called.

At 10:21 a.m., the court recessed. At 10:25 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

C044358 MKM PARTNERS, LLC, et al. v. COUNTY OF SACRAMENTO et al.

Cause called. Arthur F. Coon argued for appellants. Lawrence J. Duran argued for respondents. Cause submitted.

At 10:49 a.m., the court recessed. At 10:54 a.m., the court reconvened with Raye, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

7

The Minutes

June 23, 2004, continued

- C043754 THE PEOPLE v. BRUINS (Not for Publication)**
The judgment is affirmed.
DAVIS, Acting P.J.
We concur: Hull, J.
Butz, J.
- C044044 THE PEOPLE v. LARK (Not for Publication)**
The judgment is affirmed.
Raye, J.
We concur: Nicholson, Acting P.J.
Hull, J.
- C044948 THE PEOPLE v. WOLFE, JR. (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We concur: Blease, Acting P.J.
Davis, J.
- C045319 THE PEOPLE v. ORR (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We concur: Blease, Acting P.J.
Davis, J.
- C044832 ALKALI FLAT PROJECT AREA COMMITTEE et al. v. CITY OF
SACRAMENTO (Not for Publication)**
The appeal is dismissed. The City of Sacramento shall recover its costs
on appeal. (Cal. Rules of Court, rule 27(a).)
ROBIE, J.
We concur: Blease, Acting P.J.
Davis, J.
- C044257 MACKLEY v. WEIS (Not for Publication)**
The order is affirmed. Defendant Weis shall recover costs of appeal, and
shall recover his legal fees for the appeal upon motion to the superior court for
the determination of the amount. Plaintiff Mackley and lawyer Thompson are
jointly and severally liable for paying \$2,000 to the clerk of this court within 30
days after the issuance of the remittitur. The clerk shall forward a copy of this
opinion to the State Bar upon issuance of the remittitur. (Bus. & Prof. Code §
6068, subd. (o) (7).)
DAVIS, Acting P.J.
We concur: Nicholson, J.
Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

8

The Minutes

June 23, 2004, continued

C045012 WILSON v. ZIMMER (Not for Publication)

The judgment is affirmed. Wilson shall recover costs on appeal.

RAYE, Acting P.J.

We concur: Hull, J.
 Robie, J.

June 24, 2004

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Nicholson, Associate Justice; Hull, Associate Justice; and Guzman, bailiff.

C044162 SAN DIEGO UNIFIED SCHOOL DISTRICT et al. v. COMMISSION ON STATE MANDATES and STATE DEPARTMENT OF FINANCE

Cause called. Mark A. Wasser argued and Diana Palpenny appeared only for appellants. Camille Shelton argued and Jennifer K. Rockwell appeared only for respondents. Cause submitted.

At 10:11 a.m. the court recessed until 9:30 a.m., Friday, June 25, 2004.

C044595 MCCAIN et al. v. COUNTY OF LASSEN et al.(Not for Publication)

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: Hull, J.
 Robie, J.

C041902 MEGAN A., A Minor, etc., v. CHAPMAN (Not for Publication)

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: Hull, J.
 Butz, J.

C046164 THE PEOPLE v. PRESCOTT

BY THE COURT:

Appellant's petition for rehearing is granted and the appeal is reinstated. If, on or before July 26, 2004, appellant does not substitute in counsel to represent her or, in the alternative, does not file in propria persona an opening brief, the appeal will be dismissed without further notice.

SCOTLAND, P.J.

9

The judgment is affirmed.
DAVIS, Acting P.J.
We concur: Hull, J.
Robie, J.

10

June 25, 2004, continued

The orders of the juvenile court are affirmed.

We concur: Morrison, J.
Butz, J.